

109TH CONGRESS
1ST SESSION

H. R. 2410

To require certain studies regarding the health effects of exposure to depleted uranium munitions, to require the cleanup and mitigation of depleted uranium contamination at sites of depleted uranium munition use and production in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2005

Mr. McDERMOTT (for himself, Mr. STARK, Mr. BROWN of Ohio, Mr. DEFAZIO, Mr. RANGEL, Mr. HINCHEY, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. WEXLER, Mr. FARR, Ms. BALDWIN, Mr. ANDREWS, Mr. FILNER, Mr. INSLEE, Mr. SERRANO, Ms. WOOLSEY, Mr. BLUMENAUER, Mr. STUPAK, Mr. HONDA, Mr. UDALL of New Mexico, Mr. FRANK of Massachusetts, and Mr. MARKEY) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require certain studies regarding the health effects of exposure to depleted uranium munitions, to require the cleanup and mitigation of depleted uranium contamination at sites of depleted uranium munition use and production in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Depleted Uranium Munitions Study Act”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. Study of health effects of exposure to depleted uranium.
- Sec. 5. EPA studies of environmental contamination by depleted uranium.
- Sec. 6. Environmental mitigation and cleanup requirements for depleted uranium.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The highest regard should be given to the
9 health and safety of the members of the United
10 States Armed Forces.

11 (2) Depleted uranium, a toxic, carcinogenic,
12 and radioactive material with a half-life of
13 4,500,000,000 years, is used as an ingredient in var-
14 ious munitions used by the United States Armed
15 Forces.

16 (3) Depleted uranium munitions have been used
17 by the United States Armed Forces during Oper-
18 ation Iraqi Freedom, during the Persian Gulf War
19 in 1991, and during the conflicts in the former Fed-
20 eral Republic of Yugoslavia (Bosnia, Kosovo, Serbia,
21 and Montenegro), with approximately 150 metric
22 tons of depleted uranium being used during Oper-

1 ation Iraqi Freedom, approximately 300 metric tons
2 of depleted uranium being used during the Persian
3 Gulf War, and approximately 12 metric tons being
4 used in Bosnia, Kosovo, Serbia, and Montenegro.

5 (4) Among the characteristics of depleted ura-
6 nium munitions are that—

7 (A) they are pyrophoric, resulting in the
8 munition burning upon impact with a target;
9 and

10 (B) the impact of a depleted uranium mu-
11 nition on a target creates aerosol particles,
12 which can be inhaled.

13 (5) The United States has provided or sold de-
14 pleted uranium and depleted uranium munitions to
15 allied nations, and the armed forces of the United
16 Kingdom used depleted uranium munitions during
17 the Persian Gulf War in 1991.

18 (6) Depleted uranium munitions have been used
19 at numerous United States military installations,
20 proving grounds, and testing facilities.

21 (7) No definitive cause has been established for
22 the various illnesses (commonly referred to as Gulf
23 War Syndrome) that affect approximately 130,000
24 members and former members of the United States

1 Armed Forces who served in Southwest Asia during
2 the Persian Gulf War in 1991.

3 (8) The former Iraqi Government claimed that
4 depleted uranium from depleted uranium munitions
5 was adversely affecting the health of Iraqis, although
6 such claims have not been independently verified.

7 (9) The United States Navy and the British
8 Royal Navy are phasing out use of depleted uranium
9 munitions, and the Canadian Navy has ceased using
10 depleted uranium munitions.

11 (10) It has been reported that depleted ura-
12 nium munitions use has proliferated to more than
13 20 nations.

14 (11) The 1949 Geneva Convention specifically
15 outlines the precautions warring nations must take
16 to avoid harming civilian populations, and it would
17 be a violation of the 1977 Protocol to that Conven-
18 tion to cause superfluous injury or unnecessary suf-
19 fering to civilians, as depleted uranium munitions
20 may cause.

21 **SEC. 3. PURPOSES.**

22 The purposes of this Act are—

23 (1) to provide for studies of—

1 (A) the health effects resulting from expo-
2 sure to depleted uranium munitions by inhala-
3 tion, ingestion, or injection; and

4 (B) environmental contamination caused
5 by depleted uranium at sites where depleted
6 uranium was used in conflict, development, test-
7 ing, or training and at sites where depleted ura-
8 nium and depleted uranium munitions were
9 produced; and

10 (2) to require the cleanup and mitigation of de-
11 pleted uranium contamination at sites of depleted
12 uranium munition use and production in the United
13 States.

14 **SEC. 4. STUDY OF HEALTH EFFECTS OF EXPOSURE TO DE-**
15 **PLETED URANIUM.**

16 (a) STUDY.—The Director of the Agency for Toxic
17 Substances and Disease Registry and the Director of the
18 Center for Disease Control and Prevention shall jointly
19 conduct a comprehensive study of the health effects of ex-
20 posure to depleted uranium munitions on uranium-exposed
21 veterans and on children of uranium-exposed veterans who
22 were born after the exposure of the uranium-exposed vet-
23 erans to depleted uranium.

24 (b) URANIUM-EXPOSED VETERANS.—In this section,
25 the term “uranium-exposed veteran” means a member or

1 former member of the United States Armed Forces who
2 handled, came in contact with, or had the likelihood of
3 contact with depleted uranium munitions while on active
4 duty, including members and former members who—

5 (1) were exposed to smoke from fires resulting
6 from the burning of vehicles containing depleted ura-
7 nium munitions or fires at depots at which depleted
8 uranium munitions were stored;

9 (2) worked within environments containing de-
10 pleted uranium dust or residues from depleted ura-
11 nium munitions;

12 (3) were within a structure or vehicle while it
13 was struck by a depleted uranium munition;

14 (4) climbed on or entered equipment or struc-
15 tures struck by a depleted uranium munition; or

16 (5) were medical personnel who provided initial
17 treatment to members of the Armed Forces de-
18 scribed in paragraph (1), (2), (3), or (4).

19 (c) PUBLIC HEALTH ASSESSMENT.—The Directors
20 also shall jointly conduct a public health assessment of
21 persons who are thought to have an epidemiological link—

22 (1) to any United States military installation or
23 facility at which depleted uranium munitions have
24 been, or currently are, used; and

1 (2) any production facility in the United States
2 at which depleted uranium or depleted uranium mu-
3 nitions are currently, or have been, produced.

4 (d) REPORT.—Not later than two years after the date
5 of the enactment of this Act, the Directors shall submit
6 to Congress a report on the results of the study under
7 subsection (a) and the assessment under subsection (c).
8 The Directors shall include in the report a list of diseases
9 or conditions that are found to exist within the populations
10 specified in subsection (a) and their rate of occurrence
11 compared to the general population.

12 **SEC. 5. EPA STUDIES OF ENVIRONMENTAL CONTAMINA-**
13 **TION BY DEPLETED URANIUM.**

14 (a) LIST OF DEPLETED URANIUM SITES IN UNITED
15 STATES.—Not later than 180 days after the date of the
16 enactment of this Act, the Secretary of Defense shall pro-
17 vide to the Administrator of the Environmental Protection
18 Agency a list of all sites in the United States where de-
19 pleted uranium munitions have been used or produced and
20 a site-specific map of each site.

21 (b) EPA STUDIES.—After receipt of the list and
22 maps under subsection (a), the Administrator shall con-
23 duct a comprehensive environmental study of each site
24 specified on the list evaluating the possible contamination

1 of the soil, air, water, and vegetation by depleted uranium
2 at that site.

3 (c) REPORT.—Not later than two years after the date
4 of the enactment of this Act, the Administrator shall sub-
5 mit to the Secretary of Defense and the Committee on
6 Armed Services and the Committee on Government Re-
7 form of the House of Representatives and the Committee
8 on Armed Services and the Committee on Governmental
9 Affairs of the Senate a report—

10 (1) describing the extent of contamination by
11 depleted uranium at each site studied by the Admin-
12 istrator pursuant to subsection (b);

13 (2) providing site-specific recommendations for
14 the mitigation and cleanup of each such site; and

15 (3) providing general recommendations regard-
16 ing the cleanup of sites where depleted uranium has
17 been used on foreign lands.

18 **SEC. 6. ENVIRONMENTAL MITIGATION AND CLEANUP RE-**
19 **QUIREMENTS FOR DEPLETED URANIUM.**

20 (a) DEPARTMENT OF DEFENSE CLEANUP PLAN.—
21 Not later than one year after receiving the report required
22 by section 5(c), the Secretary of Defense shall develop a
23 plan for the mitigation and cleanup of depleted uranium
24 at those sites covered by the report. The plan shall include
25 a prioritized schedule for the mitigation and cleanup of

1 such sites. The Secretary shall submit a copy of the plan
2 to the Committee on Armed Services and the Committee
3 on Government Reform of the House of Representatives
4 and the Committee on Armed Services and the Committee
5 on Governmental Affairs of the Senate.

6 (b) CLEANUP.—After filing the plan under subsection
7 (a), the Secretary of Defense shall commence, directly or
8 by contract, the mitigation and cleanup of depleted ura-
9 nium at each site covered by the report required by section
10 5(c). The mitigation and cleanup shall be conducted in the
11 manner and scope specified in the report.

12 (c) APPLICABILITY OF NEPA.—The cleanup and
13 mitigation required by subsection (b) shall be carried out
14 in a manner consistent with the National Environmental
15 Policy Act of 1969 (42 U.S.C. 4321 et seq.), notwith-
16 standing any exemption to any of the provisions of that
17 Act for the Department of Defense or any element thereof.

18 (d) PROGRESS REPORTS.—The Secretary of Defense
19 shall submit annual progress reports to the the Adminis-
20 trator of the Environmental Protection Agency and the
21 congressional committees specified in subsection (a) until
22 the mitigation and cleanup of depleted uranium at those
23 sites covered by the report required by section 5(c) are
24 complete.

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